

No. 9/7/86-6 Lab./5770.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Parle Biscuits (P) Ltd., Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 104 of 1985

between

SHRI RAJBIR, WORKMAN AND THE MANAGEMENT OF M/S PARLE BISCUITS
(P) LTD., BAHADURGARH (ROHTAK)

Present :—

Shri S. S. Gupta, A. R. for the workman.

Shri M.M. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Rajbir and the management of M/s. Parle Biscuits (P) Ltd., Bahadurgarh (Rohtak), to this Court, for adjudication,—*vide Haryana Government Gazette Notification No. 28466—71, dated 9th July, 1985* :—

Whether the termination of services of Shri Rajbir, is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Sweeper for the last about three years on monthly wages of Rs. 450 and that the respondent choose to terminate his services unlawfully on 30th October, 1984 after issuing him a charge-sheet, regarding which, no domestic probe was held and in this way the management had terminated his services unlawfully in flagrant disregard of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act).

3. In the reply filed by the respondent, it is admitted that petitioner was employed as alleged on 1st March, 1982 but it is alleged that on 29th October, 1984 a complaint was received from his Supervisor that on the said date at about 2-30 p. m. the petitioner refused to clean the place of work and refused to do so inspite of a request made by the Supervisor and also hurled dirty abuses at the Supervisor. He was asked to explain his conduct and thereafter the petitioner did not turn up for duty and for his absenteeism a letter was issued to him report for duty at the earliest, otherwise he forfeit his lien on the job. In this way, it is alleged that the petitioner remained absent from duty continuously for more than ten days and as per Certified Standing Orders of the company he lost his lien on the job, because he abandoned his employment of his own and so, the present controversy is not referable to the Labour Court under section 2A of the said Act and as such, the reference is bad in law. On merits, it is alleged that such a plea was taken by the respondent during the conciliation proceedings before the Labour-cum-Conciliation Officer. Additional plea projected is that the petitioner remained gainfully employed after his alleged termination.

4. On the pleadings of the parties, the following issues were settled for decision by me on 25th October, 1985 :—

- (1) Whether the reference is bad in law ? OPR.
- (2) Whether the workman abandoned his employment of his own ? OPR.
- (3) Whether the workman remained gainfully employed after his alleged termination ? OPR.
- (4) As per terms of reference.

5. The petitioner in support of his case himself appeared as WW-1 and the respondent examined MW-1 Shri R. S. Shekhawat its Manager, Administration.

6. Learned Authorised Representatives of the parties heard.

Issues Nos. 1 and 2.

7. These issues defy separate discussion, so they have been clubbed together for decision. On behalf of the respondent it was contended that since petitioner abandoned his employment of his own, as he remained absent from his duties continuously for more than ten days, so he lost lien upon his employment as per clause 16(9) of the Certified Standing Orders of the respondent company. In the same vein, he contended that since the present reference is simpliciter for alleged termination of the petitioner, the terms of reference do not embrace the factum of abandonment, which is the spinal plea of the respondent, this reference is bad in law, because the Labour Court or Tribunal cannot travel beyond the terms of reference and in support of his contention he placed strong reliance upon 1984 II LLN 297 *Sita Ram Vishnu Shirodkar and Administrator Government of Goa and others*. The facts of the present case are on all fours to the facts of the case in the Bombay authority referred to above. But on behalf of the petitioner Shri Gupta has cited 1986 Vol. 68 *Indian Factories Journal* 248 *Uttam Singh Versus Labour Court Patiala and others*. In this authority Hon'ble Mr. Justice D. V. Sehgal of the Hon'ble High Court of Punjab and Haryana held that termination in what ever manner brought about will fall within the ambit of term "retrenchment as defined in section 2(00) of the said Act. On the other hand, on behalf of the respondent 1983 Lab. I. C. 223 *M/s. Escorts Ltd. Faridabad Versus Industrial Tribunal, Haryana, Faridabad and others* was cited. It is a full bench authority in which their Lordships held and I quote :—

"But this apart, it seems obvious from the combined reading of Standing Orders 36 and 37 that the intend of the provisions is that unauthorised absence for a continued span of 10 days entitled the employer to terminate the services and will be deemed to be a case of voluntary abandonment of service by the workman. To hold that because a holiday or a number of holidays intervened an unauthorised absence before and after the same should be condoned by taking them as extenuating circumstance does not appear as tenable in this context".

8. So, from the full bench authority referred to above, it is clear that in case of abandonment of employment by the petitioner reinstatement would not be justified, because there was no termination of services of the petitioner. In the single bench authority relied upon on behalf of the petitioner, the facts were that the workman was not allowed access to the factory premises on 19th October, 1976 by the Factory Manager Sita Ram on the pretext that services of the petitioner were not required. 10th October, 1976 was holiday. On 11th/12th October, 1976 the petitioner was again refused entry to the place of work. As per the case of the petitioner, on 13th October, 1976 he fell ill and sought treatment from the ESI dispensary, Kharar, which referred the petitioner to the General Hospital, Sector-16 Chandigarh, where he was advised rest. After obtaining fitness certificate from the said hospital, he approached the management again on 16th October, 1976 but was refused entry, at which, on the said date the petitioner addressed letter to the respondent. On the other hand, case of the management was that the workman was not regular in attending to his duties. He absented himself from his duties from 9th October, 1976 through receipt of letter dated 16th October, 1976 is admitted. It was alleged,—vide registered letter dated 20th October, 1976 that the workman was informed to report for duty within three days but he did not do so. Then his name was struck off from the rolls on 29th October, 1976.

9. In the present case, the case of the petitioner as per his demand notice received alongwith the order of reference is that his services were terminated on 30th October, 1984 without holding any enquiry and so, his termination was not justified. The petitioner when he appeared in the Court as WW-1 made out a new case when he stated that his entry to the place of work was debarred with effect from 30th October, 1984 though he admitted that he received letter Ex.M-1, M-2, M-3, and M-4 from the management.—Vide letter Ex. M-2 dated 5th November, 1984 the management informed the petitioner about his unlawful absence without leave and impressed upon him to resume duties immediately but the petitioner did not do so. This was the plea of the management during the conciliation proceedings also. If the workman had received letter from the management Ex. M-2 dated 5th November, 1984, he was not justified in raising a demand notice on 6th November, 1984 and not approach the management to allow him to resume his duties. The case of the management is that on 20th October, 1984 a complaint was received from the supervisor that about 2-30 a.m. the petitioner refused to perform his duties and on the other hand, used abusive language towards his seniors regarding which his explanation was sought,—vide memo Ex.M-1 dated 30th October, 1984. The petitioner filed no reply rather he started absenting from his duties. So, the facts of the case in hand are absolutely different from the facts of the case in the single bench authority referred to above. So, it is a case simpliciter of abandonment of employment by the petitioner, which squarely falls within clause 14(g) of the Certified Standing Orders of the respondent company. Since the scope of terms of reference do not cover the plea of abandonment the present reference is bad in law in view of the Bombay authority cited above. Under these circumstances, both these issues No. 1 and 2 are answered against the petitioner.

Issue No. 3.

10. A faint attempt was made on behalf of the respondent on the basis of suggestion put to the petitioner in cross-examination that he has been working as a Sweeper with the Delhi Municipal Corporation but the said plea is not supported by any documentary evidence, which could be easily procured by the respondent in case, the petitioner had been employed with the said Corporation. So, on this plea the respondent must fail.

Issue No. 4.

11. In the light of my foregoing discussion on issues No. 1 and 2, this issue need not be gone into, because the petitioner abandoned his employment of his own and as such, there was no question of the respondent justifying his termination as alleged.

12. In the light of my foregoing discussion the petitioner is not entitled to any relief. The reference is answered and returned accordingly with no order as to cost.

Dated the 18th June, 1986.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 104-85/855, dated the 24th June, 1986,

Forwarded, (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

The 26th August, 1986

No. 9/7/86-6Lab/6806.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Mahesh Wood Products Pvt. Ltd., Bahalgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 147 of 1983

between

SHRI NIRANJAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S MAHESH
WOOD PRODUCTS, PVT. LTD. BAHALGARH.

Present.—

Shri Hawa Singh, A. R. for the workman.

Shri S. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following disputes, between the workman Shri Niranjana Singh, and the management of M/s. Mahesh Wood Products Pvt. Ltd., Bahalgarh, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 1D/48659-64 dated 16th September 1983:—

Whether the termination of services of Shri Niranjana Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Operator for the last about five years on monthly salary of Rs. 365 and that the respondent choose to retrench him from

employment on 8th November, 1982 in flagrant disregard of the settled principles of "first come last go" and as such, he has alleged that his retrenchment violated the provisions of section 25F and 25g of the Industrial Disputes Act, 1947. He has claimed reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issue was settled for decision by me on 4th September, 1984:—

(1) As per terms of reference.

5. After the petitioner had closed his evidence and the case was fixed for evidence of the respondent, happily a settlement was arrived at, whereunder, the petitioner has agreed to relinquish his entire claim on receipt of Rs. 7,000 in full and final satisfaction of his claim. The respondent has agreed to pay this amount on or before 22nd July, 1986. The petitioner has also agreed to give up his claim of reinstatement or re-employment. In terms of this settlement, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated 18th July, 1986.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

Endorsement No. 147-83/1044, dated 4th August, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Comp Court, Sonapat.

No. 9/7/86-6Lab./6807.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s National Co-operative Consumer Federation, Bhiwani.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 103 of 85

between

SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. NATIONAL
CO-OPERATIVE CONSUMER FEDERATION, BHIWANI

Present :—

Petitioner in person with Shri Raghbir Singh his A.R.

Shri Kailash Chander, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ram Kumar and the management of M/s National Co-operative Consumer Federation, Bhiwani, to this Court, for adjudication,—
vide Haryana Govt. Gazette Notification No. 26715—20, dated 24th June, 1985 :—

Whether the termination of services of Shri Ram Kumar is justified and in order?
If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Helper for the last many years. That on 2nd July, 1984 when he went to the respondent to resume his duties, he was not allowed to do so and in this way, the respondent choose to terminate his services unlawfully in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Subsequently the respondent filed an application for amendment of the Written Statement, which was allowed and certain additional issues were framed on 13th May, 1986.

4. Before any evidence could be adduced by the petitioner, he made a statement in the Court that because of certain technical defects, he does not want to prosecute this reference. So, the same is dismissed and answered accordingly and parties are left to bear their own cost.

B.P. JINDAL,

Dated 26th June, 1986.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 103-85/1035, dated 4th August, 1986.

For warded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab./6808.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Arora Metal Company, Hissar Road, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,

ROHTAK

Reference No. 92 of 1985

between

SHMT. RAM DEVI, WORKMAN. AND THE MANAGEMENT OF M/S ARORA METAL COMPANY
HISSAR ROAD, ROHTAK

Present :—

Petitioner in person.

Shri Chander Parkash, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Smt. Ram Devi and the management of M/s. Arora Metal Company, Hissar Road, Rohtak, to this Court for adjudication, vide—Haryana, Govt. Gazette Notification No. 23967—72, dated 3rd June, 1985:—

Whether the termination of services of Shrimati Ram Devi is justified and in order? If not, to what relief is she entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that she was working with the respondent as a workman since 30th October, 1979 and her service record was blemishless but the respondent choose to terminate her services on 31st October, 1984 and that the said order of termination was passed in gross violation of the provisions of section 25 F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Since this reference is being answered on grounds other than merits, pleas taken need not be detailed by the respondent. On 28th May, 1986 when the case was fixed for evidence of the respondent, happily

a settlement was arrived at, whereunder the petitioner made a statement in the Court that her claim has been fully satisfied and as such, she does not want to prosecute this reference. So, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL.

Dated the 26th June, 1986.

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 92-85/1034, dated the 4th August, 1986.

Forwarded (two copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL.

Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab./6810.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Gold Hisex Farms (P) Ltd., Bega, Ganaur :—

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 5 of 84

between

SHRI CHARAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. GOLDI HISEX FARMS (P) LTD., BEGA, GANAUR

Petitioner in person.

Shri S. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Charan Singh and the management of M/s. Goldi Hisex Farms (P) Ltd., Bega, Ganaur, to this Court, for adjudication,—vide Haryana Govt. Gazette Notification No. 3827—32, dated 23rd January 1984 :—

Whether the termination of services of Shri Charan Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a worker for the last many years and that since the respondent was not paying him the minimum wages prescribed, so, he took up the matter with the Labour Officer, Sonapat and on 17th August, 1983 the respondent agreed to pay the minimum wages to the petitioner alongwith the arrears before the Labour Officer, Sonapat, but instead of implementing the said settlement, the respondent choose to terminate his services on 9th September, 1983 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas taken need not be reiterated, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were framed on 11th October, 1984:—

1. Whether the reference is bad in law? OPR.
2. As per terms of reference.

5. The petitioner made a statement in support of his claim and when the case was fixed for evidence of the management, happily a settlement was filed in the Court on 30th September, 1986 (on the said date the Court was on leave). So, the settlement was placed on record by the Reader. Whereunder, the petitioner has been paid a sum of Rs. 1,000 in full and final satisfaction of his claim. The settlement is Ex. M-1. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 27th June, 1986.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,

Endst. No. 5-84/1032, dated 4th August, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,

No. 9/7/86-6Lab./6811.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Goldi Hisex Farms (P) Ltd., Bega, Ganaur.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 4 of 1984

Between

SHRI SURESH GIRI, WORKMAN AND THE MANAGEMENT OF M/S. GOLDI
HISEX FARMS (P) LTD., BEGA, GANAUR

Petitioner in person.

Shri S. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workmen Shri Suresh Giri, and the management of M/s. Goldi Hisex Farms (P) Ltd, Bega, Ganaur, to this court, for adjudication,—vide Haryana Government Gazette Notification No. 3820—25, dated 23th January, 1984.

Whether the termination of services of Shri Suresh Giri, is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Workman for the last many years and that since the respondent was not paying him the minimum wages prescribed, so, he took up the matter with the Labour Officer, Sonapat and on 17th August, 1983 the respondent agreed to pay the minimum wages to the petitioner alongwith the arrears before the Labour Officer, Sonapat, but instead of implementing the said settlement, the respondent choose to terminate his services on 9th September, 1983 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas taken need not be reiterated, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were framed on 11th October, 1984:—

- (1) Whether the reference is bad in law?
- (2) As per terms of reference.

5. The petitioner made a statement in support of his claim and when the case was fixed for evidence of the management, happily a settlement, was filed in the Court on 30th September, 1986 (on the said date the Court was on leave). So, the settlement was placed on record by the Reader. Whereunder, the petitioner has been paid a sum of Rs. 1,000 in full and final satisfaction of his claim. The settlement is Ex. M-1. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 27th June, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 4-84/1031, dated 4th August, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6 Lab./6817.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Administrator, Municipal Committee, Hissar:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 111 of 1985

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S.
ADMINISTRATOR, MUNICIPAL COMMITTEE, HISSAR

Present :

None, for the Petitioner.

Shri Vasdev Parokar, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Om Parkash and the management of M/s. Administrator, Municipal Committee, Hissar, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 31108—13, dated 24th July, 1985 :—

Whether the termination of services of Shri Om Parkash is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that his father was working as a peon with the respondent, who is since dead and thereafter the applicant was appointed as a Peon on 10th October, 1977 and worked as such upto July, 1979 when his services were terminated without any lawful excuse and that his termination was illegal and unlawful in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issue was framed by me on 3rd December, 1985 :—

(I) As per terms of reference.

5. Thereafter the workman absented after the case had been adjourned many times for his evidence. The only inference possible is that the workman is not interested in prosecution of his claim. So, this reference is dismissed for non prosecution and answered accordingly with no order as to cost.

Dated the 25th June, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 111-85/1037, dated the 4th August, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6-Lab./6818.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Mohan Spinning Mills, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK
Reference No. 178 of 1985

between

SHRI SULTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. MOHAN SPINNING
MILLS, ROHTAK

Present :—

None for the workman.
Shri M.M. Kaushal, A.R. for the management.
AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Sultan Singh and the management of M/s. Mohan Spinning Mills, Rohtak to this Court for adjudication,—*vide Haryana Government Gazette Notification No. 43537—42, dated 24th October, 1985*—

Whether the termination of services of Shri Sultan Singh, is justified, and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Binder in the year 1981, but the respondent choose to terminate his services unlawfully with effect from 15th January, 1985 and that his termination squarely falls within the ambit of term "retrenchment" as defined in section 2(100) of the Industrial Disputes Act, 1947 and since no compliance of section 25F of the Industrial Disputes Act, 1947 was made by the respondent, so, his termination was illegal. He has claimed reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Various pleas were taken which need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues was framed on 21st January, 1986.

(1) As per terms of reference.

5. On 31st March, 1986 when the case was posted for evidence of the petitioner, who did not turn up. The only inference possible is that the petitioner is no more interested in prosecution of this reference, and as such, the reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Dated 26th June, 1986.

Endorsement No. 179-85/1031, dated 4th August, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,